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| EXAMINER |
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LIN, KELVIN Y

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| ART UNIT | PAPER NUMBER |
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2142

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 04/04/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/087,995

Applicant(s)

WILLIAMS ET AL.

Examiner

Kelvin Lin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Response to Remarks

1. The applicant's argument with respect to claims 1, 8, 18, 25, and 38 have been considered but they are not persuasive.
2. Applicant is arguing:
 - 1) the fact that the TerminalCapabilitySet message is sent to the gatekeeper – not to the access point.

As point 1), it has been considered but is not persuasive. At paragraph [0090], Holler discloses that the gatekeeper is modified to include means 610 for managing the process of using the RSVP proxy for establishing quality of service as in Fig. 7. According Specification, page 6, line 10-11, defines the access point should function as a communication protocol proxy, therefore, gatekeeper 609 is an access node, because after modified, gatekeeper is including RSVP proxy and functions as a protocol proxy. Therefore, the request message is sent to access point. Moreover, in paragraph, [0081], Holler teaches the server has means for indicating the resource reservation protocol signaling applies between the proxy and access point. There are various means exist to accomplished QOS between the proxy and access point, and is satisfied the limitation of claim 1.

- 2) Applicant's arguments, see Remarks page 11, filed on Dec. 26, 2006, with

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respect to the Holler reference is not a proper prior art reference for a

103(A) rejection is not persuasive. The reasons are listed as follows:

Applicant has attempted to disqualify reference Holler (U.S. PG Pub No.

20010026554) et al., under 35 U.S.C. 103(c) by showing that the invention was owned by, or subject to an obligation of assignment to, the same entity as Holler et al., (U.S. PG Pub No. 20010026554) at the time this invention was made.

However, applicant has failed to provide a statement that the application and the reference were owned by, or subject to an obligation of assignment to, the same person at the time the invention was made in a conspicuous manner, and

therefore, is not disqualified as prior art under 35 U.S.C. 103(a). Applicant must file the required evidence in order to properly disqualify the reference under 35 U.S.C. 103(c). And the statement concerning common ownership should be clear and conspicuous (e.g. on a separate piece of paper or in a separately labeled section). See MPEP § 706.02(I)(2), Section II.

Therefore, the ground rejections of Claims 35-37 are maintained under 35 U.S.C. 103(a) as being unpatentable over Holler in view of Sevanto et al., (U.S. PN No. 6658011) as addressed at previous Office Action filed on Sept. 29, 2006.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-34, 38-41 are rejected under 35 U.S.C 102(e) as being anticipated by Holler et al., (US PG Pub No. 2001/0026554)
2. Regarding claim 1, Holler teaches a method implemented in a mobile terminal for use in setting up a multimedia session between the mobile terminal and a remote host by way of an access point coupled to a packet data network (Holler, fig.6, mobile terminal (605), and remote host (608), [0072]), comprising:
 - sending a request message associated with the multimedia session to the access point requesting a packet access bearer between the mobile terminal and the access point (Holler, fig.8, ARQ request message, mobile terminal (703), and access point RSVP proxy (705), [0080]); and
 - setting an indicator in the request message indicating that the access point should function as a communications protocol proxy for the mobile terminal for a media data stream of the multimedia session (Holler, [0095], I.4-6).

3. Regarding claim 2, Holler further discloses a method in claim 1, wherein the request message indicates a particular quality of service associated with the packet access bearer (Holler, [0095], I.5-11).

4. Regarding claim 3, Holler further discloses a method in claim 1, wherein the communications protocol is used to reserve communication resources for the media data stream of the multimedia session (Holler, [0093]).

5. Regarding claim 4, Holler further discloses a method in claim 3, wherein the communications protocol is the resource reservation protocol (RSVP), and the communications protocol proxy is an RSVP proxy for the mobile terminal during the multimedia session (Holler, [0093]).

6. Regarding claim 5, Holler further discloses a method in claim 4, wherein the request message is a Packet Data Protocol (PDP) context request message and the indicator is an RSVP proxy flag (Holler, [0100], I.4-10, and the indicator option is in the specification of 3GPP).

7. Regarding claim 6, Holler further discloses a method in claim 5, wherein the PDP context request message includes the RSVP proxy flag as a PDP configuration option (PCO) (Holler, [0100], I.4-10, and the indicator option is in the specification) .

8. Regarding claim 7, Holler further discloses a method in claim 1, wherein the mobile terminal is a user equipment that communicates with a General Packet Radio Service (GPRS) access network by way of a Universal Mobile Telecommunication

Services (UMTS) Terrestrial Radio Access Network (UTRAN), and wherein the access point is a Gateway GPRS Service Node (GGSN) (Holler, [0072]).

9. Regarding claim 8, Holler further discloses a method implemented in an access point coupled to a packet data network for use in setting up a multimedia session between a mobile terminal and a remote host, comprising:

- receiving from the mobile terminal a request message for a packet access bearer between the mobile terminal and the access point for the multimedia session (Holler, fig.8, element (609))
- detecting an indicator in the request message indicating that the access point should function as a communications protocol proxy for the mobile terminal for a media data stream of the multimedia session (Holler, [0090],[0095], [0096], the server 609 detects the RSVP proxy 602 in the request message); and
- performing as the communications protocol proxy for the mobile terminal for the media data stream of the multimedia session (Holler, [0090], I.4-6).

10. Regarding claim 8, Holler further discloses the method in claim 8, wherein the request message indicates a particular quality of service associated with the packet access bearer (Holler,[0075], [0079])

11. Regarding claims 10-12 have similar limitation as claims 2-5. Therefore, claims 10-12 are rejected under Holler for the same reason set forth in the rejection of claims 2-5.

12. Regarding claim 13, Holler further discloses a method in claim 11, further comprising:

- when the indicator is set, installing an RSVP proxy state process for the media data stream of the multimedia session in the access point from a multimedia server (Holler, [0099]).

13. Regarding claim 14, Holler further discloses a method in claim 13, wherein when the RSVP proxy state process for the multimedia session is installed in the access point, the access point generates an RSVP PATH message directed to the remote host and in response thereto receives an RSVP RESV message from the remote host on behalf of the mobile terminal, the access point storing information received in the RSVP RESV message from the remote host (Holler, fig.8).

14. Regarding claim 15, Holler further discloses a method in claim 13, wherein the access point retrieves authorization information for the media data stream of the multimedia session from a multimedia server (Holler, [0073], H.323. is the protocol responsible for authorization).

15. Regarding claim 16, Holler further discloses a method in claim 13, wherein the access point retrieves quality of service information for the media data stream of the multimedia session and uses the retrieved quality of service information to generate and respond to RSVP messages on behalf of the mobile terminal (Holler, fig.8, element 609, [0090]).

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16. Regarding claim 17, Holler further discloses a method in claim 13, wherein the mobile terminal is a user equipment that communicates with a General Packet Radio Service (GPRS) access network by way of a Universal Mobile Telecommunication Services (UMTS) terrestrial radio access network (UTRAN), and wherein the access point is a gateway GPRS service node (GGSN) (Holler, [0072], fig.6).

17. Regarding claims 18-24, claiming for mobile terminal, have limitations corresponding to claims 1-7. Therefore, claims 18-24 are rejected under Holler for the same reason set forth in the rejection of claims 1-7.

18. Regarding claims 25-34, claiming for access point, have limitations corresponding to claims 8-17. Therefore, claims 25-34 are rejected under Holler for the same reason set forth in the rejection of claims 8-17.

19. Regarding claim 38, Holler further discloses a communications system, comprising:

- a mobile terminal configured to initiate a multimedia session with a remote host (Holler, fig.6, mobile terminal (605), and remote host (608), [0072]);
- a General Packet Radio Service (GPRS) network coupled to an Internet to which the remote host is coupled to through an access network including a gateway GPRS service node (GGSN) (Holler, [0072]);
- a access network by way of a Universal Mobile Telecommunication Services (UMTS) Terrestrial Radio Access Network (UTRAN) coupled to the GPRS network and communicating with the mobile terminal over a radio interface (Holler, [0072]);

- wherein the mobile terminal sends a Packet Data Protocol (PDP) context request message associated with the multimedia session to the GGSN requesting a packet access bearer between the mobile terminal and the access point and sets an indicator in the PDP context request message indicating that the GGSN should function as a communications protocol proxy for the mobile terminal for the media data stream of the multimedia session (Holler, [0100], I.4-10, and the indicator option is in the specification); and
- wherein receives the PDP context request message, detects the indicator, and performs as the communications protocol proxy for the mobile terminal for the media data stream of the multimedia session (Holler, [0100], I.4-10, and the indicator option is in the specification);

20. Regarding claims 39-41, claiming for communication system, have have limitations corresponding to claims 31-32, and 34. Therefore, claims 39-41 are rejected under Holler for the same reason set forth in the rejection of claims 31-32, and 34.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claims 35-37 are rejected under 35 U.S.C 103(a) as being unpatentable over Holler in view of in view of Sevanto et al., (USPN No. 6658011).

22. Regarding claim 35, Holler does not specifically disclose a Packet Data Protocol (PDP) context activation, creation, modification, or update message for establishing or updating a multimedia session between a mobile terminal and a remote host.

However, Sevanto teaches a computer generated data signal embodied in an electrical signal for use in a General Packet Radio Service (GPRS)/ Universal Mobile Telecommunication Services (UMTS) network comprising: a Packet Data Protocol (PDP) context activation, creation, modification, or update message for establishing or updating a multimedia session between a mobile terminal and a remote host, the PDP context activation, creation, modification, or update message having plural fields of information including a PDP configuration options (PCO) field that includes an indicator indicating whether the access point should function as a communications protocol proxy for the mobile terminal for the media data stream of the multimedia session (Sevanto, col.5, l.5-10, in the UMTS network, col.9, l.32-50, the PDP configuration Option information in fig.4 ,and fig. 7, about the activation, setup and update message having plural fields of PCO).

Because knowing that Sevanto constructs the use of wireless application protocol between a first device and a second device coupled to a packet-switched radio telecommunication system does not require exhaustive respecification in the framework of existing standards and proposal, it would have been obvious to incorporate Sevanto's

structure with Holler's device to minimize the required protocol overhead in the WAP related traffic. Therefore, the claimed invention would have been obvious to one of ordinary skill in the art at the time of the invention.

23. Regarding claim 36, Holler further discloses a computer generated data in claim 35, wherein the indicator field is part of an authorization token associated with the multimedia session (Holler, [0073], [0080] H.323 and SIP are the protocol responsible for authorization).

24. Regarding claim 37, Holler further discloses a computer generated data in claim 36, wherein the authorization token further includes one or both of a session identifier and a media binding identifier (Holler, [0073], [0080] H.323 and SIP are the protocol responsible for authorization).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE MONTH shortened statutory period, then the shortened statutory period will expire on the date advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTH from the date of this final action.

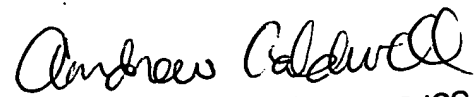
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelvin Lin whose telephone number is 571-272-3898.

The examiner can normally be reached on Flexible 4/9/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

3/30/07
KYL


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